

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOSEPH L. VAN PATTEN,

Petitioner,

v.

Case No. 98-C-1014

**JEFFREY ENDICOTT, Warden,
Redgranite Correctional Institution,**

Respondent.

DECISION AND ORDER

On January 24, 2006, the Seventh Circuit Court of Appeals issued an opinion which reversed this Court's judgment and remanded with instructions to grant Joseph Van Patten's petition for a writ of habeas corpus, 28 U.S.C. § 2254. The Supreme Court then vacated the Seventh Circuit's decision and remanded the case to the Seventh Circuit for further consideration in light of *Carey v. Musladin*, 549 U.S. ____ (2006) (No. 05-785).

On June 5, 2007, the Seventh Circuit reinstated its January 24, 2006 opinion, and the mandate issued June 29, 2007. Therefore, pursuant to the mandate of the Seventh Circuit,

IT IS HEREBY ORDERED THAT:

Van Patten's petition for a writ of habeas corpus is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 3rd day of July, 2007.

SO ORDERED,

s/Rudolph T. Randa

HON. RUDOLPH T. RANDA

Chief Judge